

GERARD LAW FIRM
1731 East 53rd Street
Brooklyn, New York 11234
Phone: (800) 850-4099 Fax: (347) 521-1702
david.gerard@gerardlawfirm.com
www.gerardlawfirm.com

November 11, 2020

VIA ECF

Hon. Dora L. Irizarry
United States District Court
Eastern District of New York
225 Cadman Plaza East, Room 709S
Brooklyn, New York 11201

RE: Windward Bora LLC v. Mosammat Begum, et al., 18-cv-06423-DLI-RER

Dear Justice Irizarry:

The Defendant would like time to respond to the letter submitted to the Court on November 10, 2020. The Defendants respectfully submit that the documents filed with the New York Secretary of State show that Credit Corp Solutions Inc. is a Delaware Corporation with its principal office located in the Philippines and as a result of the fact that the principal office in the Philippines it appears that the Court lacks diversity as both the Plaintiff and Defendant are aliens. A copy of the document is attached.

Defendant submits that the documentation submitted does not establish that Credit Corp Solutions Inc. is not an alien corporation.

Defendant also submits that Plaintiff is not able to discontinue this action against Credit Corp Solutions Inc. They are a necessary party. The dispute between Credit Corp Solutions Inc and Plaintiff has not been settled or resolved, as such Plaintiff cannot discontinue against them to maintain diversity. This is not a situation where there has been a settlement which has taken the [non-diverse] defendants out of the case, so as to leave a controversy wholly between the plaintiff and the diverse defendant. Plaintiff will simply have to sue them in state court to resolve their dispute with them. *Nocelli v. Kaiser Gypsum Co., Inc.*, 19-CV-1980 (RA), 2020 WL 230890, at *3 (S.D.N.Y. Jan. 15, 2020)

Very truly yours,

David Gerard

David Gerard, Esq.

CC: Alyssa Knapper (VIA ECF); Alan Weinreb (VIA ECF)